

SULZER DECISION MAY BE DELAYED FOR N. Y. ELECTION

Tammany Managers Contend, However, They Prefer Not to Call on Assembly to Amend Articles.

NECESSARY VOTES IN DOUBT

Lawyers Still Arguing About Admissibility of Peck and Morgenthau Testimony Without New Charge When Court Adjourns to To-day.

RYAN SEEMS ELIMINATED

Counsel Drop Reference to Governor's Alleged Talk with Him About Obtaining Influence of Root and Barnes to Declare Impeachment Trial Illegal.

[From a Staff Correspondent of The Tribune.] Albany, Oct. 14.—After spending today in fruitless discussion as to the disposition of the testimony of Henry Morgenthau and Duncan W. Peck, the High Court of Impeachment which is trying Governor Sulzer adjourned this evening in the midst of an executive session to 10:30 o'clock to-morrow morning, when the discussion will be resumed and continue until a decision is reached.

D. Cady Herrick and Louis Marshall, for Governor Sulzer, and John B. Stanchfield, for the Assembly managers, argued all this morning and part of the afternoon, Stanchfield contending that this evidence should be considered as bearing directly on Article 4, which charges that Sulzer used threats to keep witnesses from testifying before the Frawley committee, and Herrick and Marshall responding that to accept the view of the managers would be, in effect, for the court to add a new article of impeachment.

Stanchfield closed his argument with the suggestion that if the court held the Peck evidence to be inadmissible under Article 4 the managers would request permission to go back to the Assembly to have an article added which would embody the Peck testimony that Sulzer told him to deny his \$500 contribution and "forget it" when he was put under oath.

Fear New York Election.

While the Assembly leaders are in no wise sanguine that they would be able to marshal the seventy-six members necessary to vote a new article of impeachment, the Tammany men in close touch with Charles F. Murphy are said to welcome the delay of about twenty-five days, at least, that must ensue if the effort is made, as it would defer the final vote on Sulzer's guilt or innocence until after the New York election.

The Tammany leaders, however, say, for the information of the public, that they would rather go to the court on the case as presented than risk the long delay which would probably result if they attempted to amend the impeachment articles, even if the Peck testimony constitutes their strongest evidence against Sulzer. If the Assembly leaders could line up their voting strength promptly to put an article on the record, the Sulzer forces would be entitled to twenty days' notice of the charge, which would carry the whole proceeding well into November.

If it is decided to wait for the Assembly to vote a new article of impeachment the progress of the trial becomes a matter of mere speculation.

Assemblymen Are Candidates.

Aside from the doubt whether the necessary majority of the Assembly

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POLICE GET SYLVIA

English Militant Re-arrested After Another Struggle.

London, Oct. 14.—Sylvia Pankhurst, who was the central figure of a fierce struggle last night between the police and the militant suffragettes in the East End of London, was arrested to-night when about to enter the Poplar Town Hall with the object of addressing another meeting. The militants attempted to rescue her, but the police, who were in large numbers, succeeded in placing her in a taxicab and driving to Holloway jail.

The meeting was abandoned in order to hold a demonstration of protest outside the jail.

CALLS AIRY COLONEL EERY

Guatemalan Consul Repudiates De Merk as 'Plane Buyer.'

Dr. Ramon Benjoechea, Guatemalan Consul General in this city, announced yesterday that Colonel de Merk, of the Guatemalan army, who was supposed to be representing his government in the purchase of military aeroplanes, has never had any commission or authority to buy or order aeroplanes or any other form of craft for the army of the Central American republic.

Colonel de Merk is a German by birth and was a member of the nobility, with the title of baron. He went to Guatemala a few years ago, renounced his allegiance to the German Emperor and became a Guatemalan. He insisted on going into the army, and finally attained the rank of colonel.

Colonel de Merk, who has been staying at the Hotel Astor, announced that he had a commission from his government to buy aeroplanes, and it is known that he visited the Moisant company to inspect some airships.

HAWTHORNE FREE TO-DAY

He and Dr. Morton Coming Direct to New York.

[By Telegram to The Tribune.] Atlanta, Oct. 14.—Julian Hawthorne is spending his last night as a convict in the United States penitentiary. Tomorrow he will be released, having served his sentence for fraudulent use of the mails. Dr. W. F. Morton, who was convicted and sentenced with Hawthorne, will also be released to-morrow. The two intend to take the first train they can get for New York.

This afternoon Hawthorne discarded the rather shabby gray suit he wore when he entered prison and decided to re-enter the world in a prison-made suit. When measured for his suit it was found that Hawthorne is more stalwart than when he entered prison. The daily exercise required by prison rules has put him in fine physical shape.

"There will be little sleep for me to-night," said Hawthorne. "The thought of freedom to-morrow will keep me awake."

GREEN RUG FOR WILSON

Red One Saddens Tumulty, but He Acquiesces.

[From The Tribune Bureau.] Washington, Oct. 14.—When a bright green rug was put down in the President's private office to-day and a lurid red creation was laid in the sanctum of his secretary, Joseph Patrick Tumulty, several of those present could not refrain from commenting about the lack of fitness of the color scheme.

Secretary Tumulty is a downright, loyal Irishman, however, and a great admirer of the Chief Executive, so he responded to the jests by saying that nothing was too good for the President of the United States, even though he had to make sacrifices himself. He will content himself by putting a few pressed shamrocks over the mantel.

DIES IN A SPEEDING AUTO

Manufacturer's Wife, Ill, Loses Race with Death.

Mrs. Louise M. Stengel, wife of George Stengel, a leather manufacturer, of Newark, died last night in an automobile just as the machine entered Newark. With her husband and a nurse she was on her way home from Long Branch.

Mrs. Stengel, who was thirty-six years old, had been ill for some time, and yesterday she asked her husband to take her home.

She was made as comfortable as possible, but as the machine crossed Frelinghuysen avenue she collapsed. Stengel ordered the chauffeur to speed to his Broad street home, only to find when the house was reached that his wife was dead.

ARREST EUGENE DRISCOLL

Brother of Ex-Police Deputy Charged with Assault.

Eugene Driscoll, brother of Clement J. Driscoll, former Deputy Police Commissioner, was brought before Magistrate Breen, in the Tombs court, yesterday on a charge of assault. The complainant was Michael Sassi, of No. 50 Catharine street, a deputy state superintendent of election. The Deputy Attorney General in charge of the case said the prosecution was not ready for trial, and although Driscoll protested, the hearing was put off until to-day.

Sassi said that while he was overseeing the work of election registration at No. 20 Oliver street Friday Driscoll, who lives at No. 9 Oliver street, refused to recognize his authority and accused him of interfering with the registration of several citizens. Sassi said the fact was that Driscoll's friends were trying to intimidate the registration officials. Driscoll struck him several times about the head, Sassi said.

U. S. WILL IGNORE MEXICAN ELECTION

Word Sent to Huerta That This Government Cannot Regard Coming Poll as Constitutional.

DUE TO HIS DICTATORSHIP

Other World Powers To Be Informed of This Decision, in the Hope That They Will Follow This Country's Lead.

[From The Tribune Bureau.]

Washington, Oct. 14.—The Government of the United States has sent word to the administration in Mexico City that under no circumstances can it regard the impending Presidential elections, set for October 26, as constitutional and worthy, therefore, of recognition by this country.

This action, brought on by the assumption of dictatorial powers by Victoriano Huerta and his obvious intention to override the constitution of his country, puts the Mexican situation distinctly "up in the air."

Except for certain changed conditions, such as the withdrawal of Americans from the danger zone and the fact that the administration can now take some new action with the feeling that it has exhausted all possibility of inducing Huerta to behave, the situation is back where it was many months ago. Huerta is, in the view of the United States, the unconstitutional head of the Mexican state, unworthy of recognition, scheming for the election of a successor of his own choosing, and altogether "impossible." America still wants him eliminated, but to bring about this desired result the administration must adopt some new and more drastic policy, in the opinion of officials here.

The nations of the world are to be informed of the decision of this government to ignore the elections of October 26, and the administration is hopeful that the rest of the world will follow America's lead.

It is, in fact, intimated in high quarters that the United States government will definitely ask foreign nations to follow and support this government's views, policy and plans.

It is certain that the international situation comprises one of the most important aspects of the case, and there is a feeling in some quarters here that certain powers may show dissatisfaction over the prospect of continued non-settlement of Mexico's troubles. Several nations indicated such dissatisfaction last summer by communicating to the United States the views of their diplomatic representatives in Mexico City—views radically at variance with the known policy of the United States.

Germany's Course Important.

In sending a warship to Mexican waters Germany has aroused much interest and speculation as to her intentions. Hitherto the attitude of Germany has been friendly to the United States, and there is no thought in official circles that Germans now contemplate anything embarrassing to this government. The sending of a warship, however, might easily prove an embarrassment to this country, as it might lead other nations also to send warships, thus throwing the whole Mexican situation into the realm of internationalism and destroying its present character of a difficulty between the United States and Mexico, to be handled and settled by the United States without outside interference or assistance.

The next move lies with Huerta, and the administration waits with some anxiety for elucidation of his defiant attitude. The State Department received to-day the text of the decree by which Huerta proclaimed himself dictator. After its receipt the President and the Secretary of State decided that recognition of elections held under the supervision and authority of such dictatorship would be impossible. Accordingly the blow to Huerta was dealt, and Mr. O'Shaughnessy was told that America would not recognize even the elections.

It is remarked that nothing that Huerta has ever done and nothing in his character indicate that the refusal of this government to recognize the results of the election will change his attitude of stubborn defiance. On the contrary, many officials believe that it would be much more like Huerta to insist on staying in office, even beyond the elections of October 26, than to yield before this latest American attack.

Huerta has an idea, it is understood here, of being another Porfirio Diaz, and it is considered quite possible that he will tenaciously hang on to his office, trying to crush the rebellion and gain control of the country, thus emulating the example of Diaz in 1877, when for more than a year after his accession to office the United States refused to grant recognition to him. The difference between 1877 and now, however, is great, for Diaz had an ultimate chance of recognition, while Huerta has nothing of the sort.

Hope Huerta Is Near End.

There is a possibility of the situation being solved in Mexico. The administration here devoutly hopes it will. There is hope that the Huerta govern-

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EMPLOYEES BENEFIT BY ALTMAN WILL

Merchant Remembers Many Who Aided Him in Building Up His Great Enterprise.

STORE PROPERTY TO FIRM

Testator Gives His \$12,000,000 Collection of Art to the Museum—Largest Gift Ever Made to It Outright, It Is Said.

The will of Benjamin Altman, filed in the Surrogate's Court yesterday, is a human document. In the twenty-odd sheets, written on both sides, there is seen the purpose of Mr. Altman so to distribute his estate, which has been estimated at \$40,000,000, that all his kin shall be remembered and that his employees shall be rewarded.

Mr. Altman made munificent gifts to many employees and made it possible for all hereafter to share in the profits of the business he founded. And finally, Mr. Altman gave to the Metropolitan Museum his entire collection of paintings, Chinese porcelains, tapestries, rugs, Limoges, enamels, crystals, marbles and bronzes, all estimated to be worth \$12,000,000. Among the paintings are several by Rembrandt and Velasquez. There by Velasquez include portraits of Philip IV of Spain and his minister, Olivares. Another is the Rokeby "Venus." The Rembrandts include "The Man With a Magnifying Glass." It is the largest single gift ever made outright to the Metropolitan Museum.

Must Abide by Conditions.

Mr. Altman imposed on the museum certain conditions which must be agreed to by the directors in the form of a contract with the executors of the will, who shall be judges as to whether these conditions have been carried out. The museum is bound to provide and maintain in a fireproof building a room large enough to contain the paintings, statuary, rock crystals and emeralds and another to contain the Chinese porcelains. The museum is asked to execute the necessary contract not later than three months after the probate of the will.

Mr. Altman asked that the rooms to hold his collection should adjoin each other and not be smaller than the space they occupied in the Altman home, No. 1 West 50th street and No. 626 Fifth avenue. Mr. Altman asked that his two secretaries, Theodore Y. Hobby and Arthur J. Boston, be retained by the museum to take care of the collection, and he created a trust fund of \$150,000 to pay Hobby and Boston for this work and to defray the cost of caring for the collection. Mr. Altman also gave each of his secretaries \$10,000.

In case there is any breach of the contract by the museum Michael Friedsam and Dr. Bernard Sachs, executors, are authorized to incorporate the Altman Art Museum of New York to hold the collection. In that case the will provides a fund of \$250,000 for the care of the collection and \$50,000 to remodel the home of Mr. Altman to hold the collection. Should this museum become unsuitable Mr. Altman provided \$500,000 and as much more of the proceeds of the sale of his home as the executors deem necessary to put up a new building.

Gives Encouragement to Art.

For the encouragement and advancement of art in the United States Mr. Altman gave \$100,000 to the National Academy of Design, to be held as a trust fund, from which annual prizes of \$1,000 and \$500 are to be paid to American born artists for the best examples of figure or genre painting and similar prizes for landscapes.

Mr. Altman's bequests to charity were: Mount Sinai Hospital, \$100,000; half for the department of nervous diseases and half for general purposes; St. Luke's Hospital, \$25,000; German Hospital, \$25,000; New York Eye and Ear Infirmary, \$25,000; Lincoln Hospital, \$25,000; and Educational Alliance, \$50,000.

Michael Friedsam, a business associate, is made residuary legatee. He will also succeed Mr. Altman as president of B. Altman & Co.

All through the will there runs a spirit of deep regard for the welfare of his employees and a determination to reward them for their part in the conduct of the business of B. Altman & Co. Besides giving \$50,000 to the Mutual Benefit Association of the Employees of B. Altman & Co. and all the stock he held in it to the Altman Foundation, Inc., Mr. Altman gave to several employees blocks of stock, while to others he gave sums ranging from \$5,000 to \$10,000, according to the recipient's length of service. Some of those who received gifts of stock already owned shares.

Large Gifts to Employees.

Mr. Altman said in his will that it was his intention to give shares of stock from time to time to his employees, and any such gifts made in his lifetime should be deducted from the shares left to them in his will. To the following employees he gave \$5,000 each: Miss Agnes Morelle, Mrs. Jennie Stack, Miss Doris W. Pope, Miss Lillian McKee, Charles Haynor, Miss Etta Witte, Abraham Trier, Emanuel Trier, Benjamin Jenkins, J. H. Doran and Frederic Schmidt. Taylor L. Cole, Frank Kelly and Chauncey Lewis each receive \$1,000.

Each employee who has been with the

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REMBRANDT'S "OLD WOMAN CUTTING HER NAILS."

One of the famous pictures in the Altman collection given to city.



DEATH DEALT TO 400 IN MINE DISASTER

Firedamp Explodes in Welsh Colliery, Entombing 931, of Whom Some 500 Are Saved.

ALL OTHERS MUST PERISH

Rescuers Compelled to Cut Off Air Supply from Imprisoned Men to Avoid Spread of Flames.

[By Cable to The Tribune.] London, Oct. 15.—The year's greatest tragedy of the sea has been followed by a disaster more overwhelming and more appalling on land. As a result of a terrific explosion in the South Wales coal field yesterday morning it is feared that more than four hundred lives have been lost.

There were more than nine hundred men in the pit of the Universal mine, at Senghenydd, when the shock came. It was first thought that every one had perished. About five hundred miners, however, were brought to the surface during the day, and later the tragic story reduced the figures as follows: Number in pit, 934; rescued, approximately, 500. It is feared that the death toll is about 434.

The disaster is the most terrible that ever happened in Wales, the most dangerously fatal of all British coal fields. The men are entombed in passages which are utterly unapproachable. There is a mile of underground galleries between them and the rescuers and a fire is raging.

Hope of Rescue Abandoned.

Practically all hope of rescue has been abandoned. Last night engineers were consulting as to whether the fire should be built in with sand to check its progress. Yesterday morning the 6 o'clock shift, consisting of between nine hundred and nine hundred and fifty men, descended into the pit and it was just 5 when a terrific explosion shook the whole valley, and a moment later a tremendous blast shot up the western pit shaft, with the result that the banksmen, who was standing a few feet away from the shaft, was blown to pieces. The force of the blast blew away the corrugated iron covering at the pit head and wrecked the timbers in which the cage worked.

The explosion was followed by an outbreak of fire in the intake through which air is driven into the pit. To maintain the ventilation meant fanning the flames, and to stop the blowers was to leave the workings choked with afterdamp, thus dooming all who remained alive in them to certain death. In a short time a rescue party descended by a shaft and found to their joy at a hundred men from the east side of the pit assembled in safety. They were huddled into parts of the workings where the air remained breathable. In this way 370 men were brought up before noon, and seventy-six others were saved from this part of the pit later in the day. Many, however, were so badly injured by fire or chokedamp that their recovery is doubtful.

GLAD TO WINTER IN JAIL

Arrested as Burglar, Homeless Man Welcomes Outlook.

"I am glad I have been arrested. I haven't got a home, so I'll be better off in jail, as the winter is coming on." This statement was made by John Kelly, thirty-seven years old, when Detective Ellwood, of the Bedford avenue station, Williamsburg, arrested him early yesterday on a charge of burglary. According to the police Kelly was recently released from Sing Sing. Yesterday, it is alleged, he tried to force an entrance into the knit goods factory at No. 9 Montrose avenue. The prisoner was held without bail in the Manhattan avenue court.

FIRST ALARM OF FIRE FELL ON DEAF EARS

Passenger Yelled to English Captain in German, Russian and Yiddish, but in Vain.

42 SURVIVORS AT HAVRE

Captain Caussin, of French Liner La Touraine, Furnishes Detailed Report on Loss of Volturino.

[By Cable to The Tribune.]

Havre, Oct. 14.—Twoscore of reporters, photographers and moving picture operators assembled this morning on the French Line's tender, which went ten miles out to sea to meet La Touraine with forty-two survivors of the Volturino aboard.

At 8 o'clock the liner emerged from the thick fog hanging around the coast. As soon as the gangway was fast it was taken by storm by French reporters excitedly demanding the "rescapes." The latter were soon marshalled off and photographed and cinematographed for ten minutes before being handed over to the reporters. Unfortunately for the French newspaper men all were either German, Austrian, Polish, Russian or Bulgarian and ignorant of any word of French. All the survivors bore traces of the stern ordeal they had passed through. Most of them were dressed in clothes given to them by the passengers of the Touraine.

Causes of the Fire.

From Friedrich Badtke, an intelligent young German who had just finished his military service in a regiment at Dantzig, The Tribune correspondent was able to learn the causes of the fire. In fact, Badtke was the man who gave the first alarm.

"We had just got up," he said, "and were waiting for coffee. A number of Russians, in spite of the strict orders which had been issued and a threatened fine of \$5, were smoking cigarettes. We Germans had repeatedly warned them against the danger of this practice. Suddenly they saw the steward coming down the passage and hastily threw the burning cigarettes through some holes in the floor.

"The space beneath was filled with emigrants' baggage, mostly in canvas sacks. A few minutes later I saw smoke pouring out of the holes in the floor. I lifted a trap and found everything in a blaze.

Rush of Smoke and Heat.

"I instantly rushed on deck to the captain and shouted to him in German, Russian and Yiddish, the only languages I know, that the ship was on fire. The captain could not understand what I was saying, but sent down a sailor to inquire what was the matter. I led the sailor down to the steerage deck. When he saw the smoke he opened one of the hatches and was met with a rush of smoke and heat. The sailor then returned to the bridge and warned the captain.

"All the passengers in the forward steerage had by this time become aroused and every one seemed panic-stricken. When the smoke and choking flames became visible there was an excited rush aft and the passages and stairways for a while were crowded with struggling, fighting people. Two passengers asleep in their berths were cut off by the flames and burned to death.

"In the meantime the captain had given the alarm. The fire crew was manning the fire apparatus under the eye of Captain Inch, who thus was unable for the present to keep order on deck, where the panic-stricken passengers had gathered around the lifeboats.

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INCH, IN WIRELESS ON SEA HORROR, IS SILENT AS TO CREW

Omission from Volturino Captain's Account of Fight to Save 600 Lives May Back Up Reported Cowardice.

NONE ALIVE LEFT BEHIND

Commander Himself Searched Doomed Vessel Before He Put Off in Boat—Only Three Helped in Battle with the Flames.

SAYS LITTLE OF HIMSELF

Message, Sent from the Kronland, Describes Capsizing of Boats, Work of Liners Called to Help, and Says Unnamed Ship May Have Saved Many.

Across the dark reaches of water from the crippled Kronland, creeping to this port with eighty-eight survivors of the burned Volturino, the wireless, which summoned ten ocean greyhounds to the aid of the stricken ship, brought the story of Captain Francis Inch, its commander, last night. Save for a mere announcement of the disaster on Monday, it was the first direct word from the captain to reach this city.

When the forward hatches caught fire the captain ordered a wireless call for help sent out. The boats were then provisioned and swung out on the davits. In lowering three of them were smashed. No. 6, filled with steerage passengers and commanded by Fourth Officer Langsell, got away safely. No. 2, with Chief Officer H. P. Miller in command, capsized, but later righted itself, according to the captain, and the chief officer and several of the crew succeeded in climbing aboard. This boat, Captain Inch reported, was tied with cabin passengers, who were lost.

It has been considered probable that the two boats that got away were swamped by the heavy sea before help arrived. The captain's report, however, throws doubt on this hypothesis. Though nothing had been heard of the missing boats, he stated, passing steamships were requested to look out for them. Moreover, Captain Inch reported an eleventh steamship on the scene, one more than previous accounts have spoken of. This other vessel, the captain said, had no wireless.

Survivors on Philadelphia?

It is possible that this mysterious vessel may have picked up the two boats, and may even have taken aboard some of those who jumped into the sea from the burning hulk. A clew to her identity is given in a wireless dispatch received from the Grosser Kurfuert by the Kaiser Wilhelm II of the same line, which docked in Hoboken last night. The message mentions a steamship New York, which had aboard eighteen survivors—fifteen men and three children. After the name the Kurfuert's wireless operator sent Philadelphia, with a query.

Both of the vessels named belong to the American Line. The former left New York on October 10, too late to have been of any use in the rescue, but the Philadelphia left for Southampton on October 3, one day before the sailing of the Carmania, the Minneapolis and La Touraine, all of which ships were in the rescuing party. She has not been heard from in connection with the disaster. It is possible that she may have been on the scene, but unable to communicate with any of her sisters on account of some accident to her wireless.

Captain Inch's Story.

Captain Inch's story, in full, follows: "Via Sable Island, "S. S. Kronland, October 14, 1913. "Titanium Steamship Company, No. 18 Broadway, New York:

"6:50 a. m., October 9, 1913, lat. 49.12 north, long. 34.51 west. Fire reported in hold No. 1 by chief officer 6:55 a. m. Flames burning 1 hatch, setting fire to forecabin and all deck fittings. Slowed ship down and kept her before the wind to enable us to put steam extinguishers in operation; also three fire hose from deck connections.

"Flames gaining rapidly, reaching height of foremast light and imprisoning watch below, who were burned to death in forecabin. A series of explosions now occurred, wrecking saloon and hospital amidships, compass and steering gear being also damaged by explosion. I gave orders to get help by wireless as soon as flames burned the hatches, it seemingly being impossible to save the ship.

"Had boats provisioned and swung out, the ship rolling heavily. Boats Nos. 13 and 5 were smashed, but No. 2 was lowered in the water with cabin passengers and stewardess, in charge of Chief Officer H. P. Miller. After the boat left the ship she capsized, throwing the occupants into the water. She afterward righted herself and several of the crew got back into the boat, the chief officer being one of them. No. 6 boat was lowered and got away safely filled with steerage passengers in charge of Fourth Officer Langsell. No. 7 boat, on being lowered, was